

Community

IN JULY of 1958 Eichler Homes, the largest tract developer in the San Francisco Bay Area withdrew, with public fanfare, from the Bay Area Home Builders Association. On June 23, Judge Oakley of the Superior Court of Sacramento County had ordered a group of builders and real estate men, identified as Milton G. Horgan, et al., to pay to Oliver Ming, Negro, \$1.00 in damages. The builders-real estate group had refused to make available to Mr. Ming a home in one of their developments. The developments in question were financed with mortgages guaranteed by the Federal Housing Administration. The court held with Mr. Ming that builders and real estate men selling homes with mortgages guaranteed by the government could not discriminate.

Eichler Builders had, since 1954, made its developments available to Negroes and Orientals on the same terms as they were available to whites. The Eichlers were satisfied with their experience having had trouble in only one development. Resale prices of properties in their integrated developments had risen along with the general rise in the housing market. The Eichlers were convinced that Negroes did not necessarily lower property values.

Lessen Construction?

When Judge Oakley handed down his decision, the Executive Secretary of the Bay Area Builders Association told the press that the court's opinion would bring a halt to the use of FHA guaranteed money in home construction in California. The implication being that the volume of home construction would fall off markedly with deleterious effects to the future of California. The secretary also took occasion to state that the selling of homes to Negroes would serve to lower property values in any developments to which they were admitted.

These statements were made without the consultation of Eichler Builders, the largest dues payer in the association. The president of Eichler Builders sent a letter to the association stating that the decision of the court was the law of California and that it should be obeyed. Eichler Builders refused to be made a party to any attempt to subvert the law and further disagreed with the assertion about property values. If the association would not change its position, Eichler Homes would withdraw from the association.

The Eichlers estimated that, as the largest dues payers in the association, their threatened withdrawal would lead the secretary to change his position. The deadline came and went with neither a statement from the secretary nor even a response. Eichler withdrew, as promised, and made public his reasons for doing so.

This was one of two major cases in the field of housing segregation to be decided in 1958. In January of that year the Supreme Court of Westchester County, New York, upheld against Pelham Hall Apartments, Inc., an order issued by the New York State Commission Against Discrimination. The Commission (S.C.A.D.) has power to issue cease and desist orders as well as orders to take affirmative action if it finds that a respondent has engaged in an unlawful discriminatory practice. It

Courts Focus Issue of Housing Discrimination

Housing

"The laws existing and proposed which would ban discrimination in the sale and rental of private housing are based . . . upon the police power of the state."

had found that Rachele Arms, owned by Pelham Hall Apartments, Inc., was financed by a loan secured by the Federal Housing Administration, thus making it subject to the non-discriminatory requirements of the New York State law, and that Norris Sherrington, a Negro, had been discriminated against. This was the first court test of New York State's anti-discriminatory housing law.

Different Approaches

The reasoning by which these two similar decisions were reached represent entirely different approaches both to civil rights law and to the general field of human relations. The differences can best be illustrated by viewing the requirement that builders and real estate men taking advantage of FHA or Veterans' Administration guaranteed financing not discriminate in sale or rental as a middle ground between applying that same requirement either to low-rent public housing or to all private housing.

Any attempt to prevent access of minority groups to public low-rent housing is generally conceded to violate the Fifth and Fourteenth Amendments to the Constitution. Public low-rent housing is constructed with governmental money and managed by public agencies. The Fourteenth Amendment prohibits any member of a minority group being denied equal rights by the action of a governmental agency. The Fifth Amendment, besides its well known guarantee of a person's right not to testify against himself, also prohibits the government from withdrawing the privileges of citizenship from any person without due process of law. Both these amendments would be violated through refusal to make public low-rent housing available to minority group members. Since the Supreme Court's rejection of the Separate but Equal doctrine in regard to schools, it may be assumed that local public housing agencies would also be required to reject separate but equal policies, if and when such policies were brought to the attention of a court.

The application of the Fifth and Fourteenth Amendments to the matter of public housing seems a fairly clear cut issue. At the other end of the scale is legislation against discrimination in the sale and rental of all housing. Laws prohibiting such discrimination have been enacted in New York City and in Pittsburgh. A proposal for a similar law has circulated in Chicago.

Based on Police Power

The laws, existing and proposed, which would ban discrimination in the sale and rental of private housing are based not upon the Fifth and Fourteenth Amendments to the Constitution but upon the police power of the state. That power permits states to enact legislation which will serve to secure the peace, health, safety and general welfare of the community. Such legislation falls within a range of discretion permitted a state, depending on its analysis of what is needed to achieve these ends in a given social situation. It is the police power of the state which permits the legislation of specific laws to control the spread of disease. Such legislation would be justified upon the assumption that the spread of disease is deleterious to the community. The form of the legislation would be determined by an analysis of what is necessary to prevent the spread of disease. A similar procedure lies behind the use of the police power of the state to enforce a civil rights measure. In fact, though legislation so based may be called civil rights legislation, it is no longer accurate to do so. The legal justification for such legislation does not reside in any civil right but in the goal of securing the peace and welfare of the community.

The Federal Housing Administration and the Veterans' Administration, in their role in the financing of home construction occupy an ambivalent role. Neither agency actually finances construction. They guarantee a lender that his loan will be paid. The F.H.A. operates as a non-profit insurance company,

(continued on back page)

EDITORIAL

Virginia Integrates



THE CONFEDERACY was born in Virginia. So was the doctrine of "massive resistance" as a strategy to evade compliance with the Supreme Court directive of 1954.

But now Virginia's State Supreme Court of Appeals has ruled that the "massive resistance" laws violate the State and Federal Constitutions, becoming the first such court in the South to bow to the 1954 edict. Virginia's Governor has admitted that "massive resistance" has failed, and that nothing more can be done to prevent some degree of integration. He has asked that law and order be maintained, and thus far, with Negro students attending 11

previously all-white schools, there have been no overt disturbances. Although it was a belated admission, Governor Almond should be commended for not choosing the path followed by Governor Faubus.

We hope that the positions taken by Virginia's Supreme Court and her Governor, and the subsequent successful integration (with the exception of the one school boycotted by its white students), will be an example seriously studied by other Southern communities. The Confederacy died in Virginia. We hope that history will show that the doctrine of "massive resistance" died there also. —JEB

READERS WRITE

Dear Editors: God bless your work always. A little dinky school paper here makes us realize what a task yours must be.

SISTER M. JEANNE, O.P.
Aquadilla, Puerto Rico

Dear Editors: This acknowledges your communication requesting me to renew my subscription to **COMMUNITY**. I am most pleased to send you the enclosed \$1.00 check to renew my subscription.

G. MENNEN WILLIAMS
Governor
State of Michigan

Dear Editors: I should like to call attention to a glaring omission in the article on Negroes in movies, in the January issue of **COMMUNITY**.

Along with the article by Donald Costello there appeared a scene from a recent movie, "Edge of the City." However, I was disappointed to find no mention of this fine

film in the body of the article. In dealing with the subject of Negroes in movies I believe "Edge of the City" deserves recognition as a "new dimension" in this area. Its value lies in the fact that the race problem is not ignored but is incidental to the plot. Sidney Poitier gives his usual superb performance as a strong, self-confident and compassionate dock worker. He befriends a newcomer to the docks who has deserted from the army and is parent-dominated and insecure, portrayed sensitively by John Cassavetes. The plot mainly concerns the latter's problems with himself and the friendship of these two men who happen to be of a different skin color.

This picture was filmed and produced (significantly, I think) in New York rather than Hollywood. I feel that it represents real progress in the portrayal of Negroes on the screen.

MRS. RICHARD KEMP
West Brookfield, Mass.

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 - DOROTHY ABERNETHY, of Subiaco, Arkansas, pens Lines from the South regularly for **COMMUNITY**.
- Picture Credits: Cartoons on page 7, reprinted with permission from Dodd, Mead & Company and the Pittsburgh Courier.

Views

ATLANTA. At least 33 southern cities have desegregated their bus systems, as reported by the Southern Regional Council. Only Montgomery was found to have experienced any incidents of note.

In most of these cases, desegregation took place without court action, it was said. Usually a change of policy on the part of the transit company was responsible. However, the Council found that in most of the cities checked, the passengers as a rule continued to follow the customary pattern of segregated seating.

LOUISIANA. Father Joseph H. Fichter, S.J., chairman of the Sociology department of Loyola University of the South, characterized the use of the Bible in efforts to bolster the cause of segregation as "almost blasphemous."

Speaking at a recent meeting of the New Orleans chapter of the Academy of Religion and Mental Health, Father Fichter said: "There is nothing in the Bible for enforced segregation. The ancient Hebrews were a racial mixture; what they were concerned with was religious purity."

NEW MEXICO. A notable victory was won by religious groups in Santa Fe when the City Council passed an ordinance prohibiting discrimination in Santa Fe resorts, amusement houses, and places of public accommodation. The ordinance specifically listed such establishments as restaurants, hotels, motels, soda fountains, hospitals, theaters, skating rinks, golf courses, bowling alleys, swimming pools, and public conveyances.

SOUTH AFRICA. The unifying spirit of Christian love must be brought to bear on the racial problem in South Africa, according to a statement by Archbishop Owen McCann of Cape Town. "Colored people belong to our Western civilization," he declared. "They are part and parcel of our communal life. As they contribute to the common good they have a right to share in the determination of the common good. The implication that they are not fit to live with, while they are citizens just as much as is the white man, is lacking in justice and charity."

NEW YORK. Is organized labor doing enough to wipe out racial discrimination in unions? The N.A.A.C.P. does not think so, according to a memorandum sent to George Meany, president of the A.F.L.-C.I.O. The charge was made by the N.A.A.C.P. that many unions still bar Negroes from membership, or uphold segregated locals.

More aggressive enforcement of the union's constitutional pledge to remove discrimination in labor is urged.

ATLANTA. A policy of gradualism will prevail in the buses and trolleys here as the system of integration is put into effect, according to the Rev. William Holmes Borders, pastor of Wheat Street Baptist Church.

"We don't want one single incident, and that is what we are working for," stated Mr. Borders, indicating that what he termed a "courteous and natural" integration move would begin, as individual Negro bus riders made their own decisions.

WASHINGTON, D.C. Attorney General Rogers told a news conference recently that he hoped Negro citizens will continue making attempts to register and vote, even if their efforts are hitherto unsuccessful. Only if they do this, he said, can we ever expect to see all Americans who are eligible to vote taking part in elections.

whosoever



NEW YORK. Housing discrimination remains the most persistent form of prejudice against American Jews, according to a study of the nation's housing situation published by the Anti-Defamation League of B'nai Brith. Metropolitan areas mentioned particularly were those of New York, Chicago, Seattle, Birmingham, Houston, Miami, Washington, Detroit, Cleveland, Columbus, Cincinnati, and Indianapolis, Gary, Michigan City and Evansville, Ind.

WASHINGTON, D.C. The Supreme Court has agreed to rule on a civil rights case brought by six Negroes who had received jail sentences for trespassing when they attempted to play golf on a public course at Greensboro, North Carolina. The Negroes were arrested at Gillespie Park Golf Club after they had paid the 75-cent fee and started out on the course, after being ordered to leave.

The court will hand down a written opinion when it has heard arguments on the Negroes' appeal. —Jean Hess

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COMMUNITY

Advances Against Job Discrimination



Above: Integrated Police Force in State of Oregon.

"Any employer who lets his government contract be cancelled, and thereby loses money, because of employment discrimination is foolish. Most business men aren't fools."

ARE YOU A Negro with training in the so-called "shortage skills" who is looking for employment? If so, you will be hired irrespective of race or color. You may not be hired by every company who needs your skill, but **you will be hired.** Your skill will be utilized and you will continue to work at your skill. You will be hired at a job equal to that of your non-Negro competitor.

Your opportunities for employment are great. They are greater than those enjoyed by your father, but not so great as those to be enjoyed by your son.

Patterns of discrimination are changing. So too, are patterns of employment. Before long, job opportunities for the man or woman who does not complete high school; who does not have

training to compete for higher level jobs, will be so few as to be negligible. The lack of opportunities to the untrained person will be irrespective of race, color, religion or national origin.

Negroes Recession Victims

The last recession showed that the persons who were "laid off" were, to a large extent, the unskilled or semi-skilled. Because a disproportionate number of Negroes are confined to such jobs, a very large percentage of Negroes were the victims of the recession.

Why was such a large percentage of Negroes confined to such jobs? How does the President's Committee on Government Contracts hope to change the pattern? And has the Committee

ever cancelled a contract

To answer the last question first—the answer is a resounding "No." The reason, when you think about it, is obvious. Any employer who lets his government contract be cancelled, and thereby loses money, because of employment discrimination is foolish. Most business men aren't fools. When the government threatens to cancel a contract (and this the government has done) the employer immediately changes his patterns of employment. The recruitment sources are enlarged, minority group members are sought for and placed in non-traditional jobs, e.g., office, clerical, supervisory and professional.

How does the President's Committee hope to change the employment pattern? In part by this action just described. An action we term "education, conciliation and negotiation." In part by accepting complaints against government contractors. The complaint can't say "1500 firms discriminate" and get action. Here again the reason is obvious. Unless you are willing to tell your government which firms discriminate and how, where and against whom they discriminated, government can't take action.

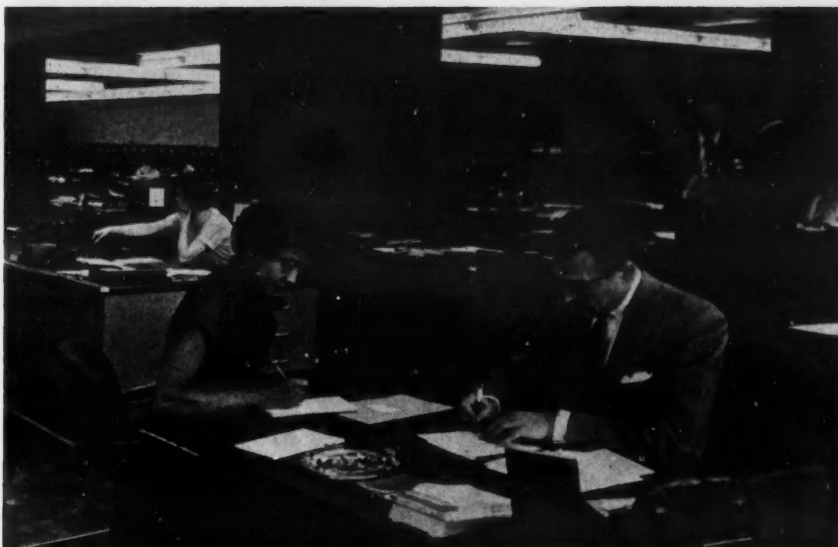
Surveys Plants

What else does the Committee do about compliance? It does a yearly check on some 500 plants of the largest firms doing business with the government to see how good a job is being done, where improvement must be made, and what general changes must be made, not only by the plant and company, but by society generally to change our patterns of education and training, as well as employment to solve these problems.

Vice-President Nixon, the Chairman of the Committee and Secretary of Labor Mitchell, its Vice-Chairman, as well as other Committee members and staff are constantly working toward the national program of Equal Job Opportunity. In the final analysis the Committee can eliminate discrimination, but to a large extent, the greater program of equality depends on all of us.

Unless minority youth takes training (a guesstimate is that 75 per cent do not complete high school), applies for jobs open in companies whose policies are not known, unless they file complaints when they are discriminated against, progress will not be as great as it should be. The job to be done is great but progress has been made and will continue to be made. With your help, it will be accelerated.

—Margaret Garrity



Right: Some firms now hire qualified Negro secretaries.



Left: More and more skilled industrial jobs are opening to trained Negroes.

Below: Integration has been in operation for a long time on the assembly line.



A Family In Changing

**"Changes have come
one-third the homes for
Housing fam**

overflows, maybe, before Wednesday) besides the extra kids in the school. So each name came from one room with vermin, now there's seven people with no vermin in six rooms. Isn't that pretty good? Suppose a grandmother does come to live with them? Isn't that the wonderful extended family with the security of mutual help? And suppose the basement is fixed up for Cousin Ted and bride. Isn't that providing another fairly decent dwelling unit? Isn't that laying the cornerstone for another block of ghetto slum? Who says so? The Negro owned buildings have the neatest yards on the block; they do, indeed.

Urban renewal to the north is smashing the kitchenettes, and so are the shiny new ghettos of skyscraper public housing, and the expressways and skyways. The contract signers and basement seekers are coming down upon us in increasing numbers. How long does this block absorb how many before it, too, goes on a planner's action map etched for clearance?

A Strange Enterprise

Can renewal succeed as a single end operation? Quickly smashing many old dwelling units, slowly building a few new ones in the ghetto center—and nothing at the other end, on the vast empty metropolitan plains that stretch outward from the city. A strange enterprise to build low-rent housing for poor people on expensive city land while vast tracts of cheap land lie fallow on the wide plains, tracts which the skyways and expressways make accessible.

But any alderman of an outlying ward, or village trustee, can unravel the strangeness: "Our zoning keeps out undesirables." Well, desired or undesired, they occupy 10 houses on the block out there and life seems to have an awful lot of sameness. Pete Carey in the little house with asbestos siding said at a block meeting: "The people next to me sure don't seem any different from anybody else. I been sort of surprised. They fixed the broken gate." Maybe we are learning here and as we spread out from this block perhaps the word will be carried. Perhaps this helps integration come, perhaps it's just dry leaves drifting against an oak door. Maybe the door has to be rammed with the power of the law: if you build a long row of little suburban split-levels with FHA mortgages you got to sell them to anyone who can pay the price; or faster yet, the relocation service operating where the demolition ball swings—now filling whatever units are available and open, following the course of least resistance and most segregation—could the service put a few Negroes into every neighborhood in town and eliminate the white valleys of escape? A rough and brutal process. What public official would dare risk it?

The ghetto blocks in this town getting more congested, more uncomfortable—the whites running faster, and farther—the fences going up higher. And when these strangers meet in Calu-

"... Can renewal succeed as a single end operation? Quickly smashing many old dwelling units, slowly building a few new ones in the ghetto center ..."

SLOW, STEADY Throbbing of a tooth, freshly filled and deep, had made sleeping half-conscious and shallow. Sometime—2:00 a.m., 4:00 a.m.—when body tiredness had been relieved and the mind came close to the surface, other pain was identified. Strong sour odors in the summer air. The stench of burning garbage. Hard, unceasing roar, shattering the eardrums, rattling the room and all of the middle-aged house. The groan of a great, struggling bulldozer.

Through the screen of the bedroom's one window the night was not dark. Smoke could be seen lifting from the alley line two backyards away. It made a string of haze easily visible in the glare of yard night lights. It rose silhouetted by the brightness of a wooden construction tower mounted with clusters of spotlights. Below the tower somewhere was the growling, fierce machine pushing back sandy fill for the roadbed of the embryo Calumet Skyway.

The ache, the smell, the roar—not related—but fusing in the summer night, melting together as so many forces melt together in the city in the late fifties. For what reason, for what purpose, for what future?

Changes Have Come

The block outside that bedroom window is really a pleasant city block. The houses and two-flats are old, most of them frame—but brightly painted white, brown or gray, with grass well cared for in the parkways, an uncrowded block, no court apartment buildings pouring solid lines of cars along the curbs. Changes have come to the block. The ripping down of one-third the homes for the Skyway, designed to whisk cars from the Indiana Toll Road toward Chicago's loop. And the first Negro families moving in from the vast, compressed ghetto to the north.

The two-flat, two backyards away, with the smoke curling from the alley line, was the first to be occupied. Garbage had burned there three times before a visit was made to the owner, a tall, smart looking high school teacher. Gracious, glad to meet neighbors, he promised to speak to his tenants. "Well, you know, this is a new neighborhood for these people, they have things to learn. Not much service in the kitchenettes of the Black Belt. Don't hesitate to come over anytime." The burning stopped, but now was coming back, two or three times in a month, all since people had moved into the basement of



"... A strange enterprise to build low-rent housing for poor people on expensive city land while vast tracts of cheap land lie fallow on the wide plains ..."

the two-flat.

Take the taste of garbage smoke by itself, even when it lingers in diapers off the line for a week, why get excited? But keeping the old settlers around. Slowing up the flight. Achieving a peaceful, white-Negro block for a few years, anyway, that might be something.

Buildings Changing

The people in the block, mechanics, printers, shoemakers, a chemist—owners of their property mostly; some already panicked, and a lot of signs up. Some buildings sold. Some owners frustrated and unable to sell. (No down payments among potential buyers; only contract offers. Are they really evil—high interest rates, one payment missed and the buyer loses all? Or is this the only way for the mass of Negro families to acquire property and escape the crush of the ghetto-slum?)

Block meetings have been held and the fence sitters given encouragement to stay (well, for a few years, anyhow) the arguments of plentiful schools, parks, and public transportation, the economic loss of selling in a scare mar-

ket and buying another home farther out, with high interest rates, and crowded schools. The burning garbage doesn't help.

But as we work to slow flight, are we keeping people from homes who need them worse than we do?

Is this how integration comes? You stay in the old neighborhood and quietly ask the garbage burners to buy cans with lids, and tell them, honest, the truck really does come every Wednesday, and hauls everything away.

No, our schools aren't crowded. But how many double-named door bells and added basement apartments can they stand? And the fence sitters who go to a school play or get the kindergarten class photograph brought home and suddenly realize their kids are now the minority group. How long do they last? How long can we expect them to last?

Meeting the Neighbors

About those double-name doorbells. going out to meet the new neighbors the picture is clear: takes the brother-in-law's income, too, to meet contract payments. Puts an extra car on the street, extra garbage out back (the can

ly Faces 'Renewal' ging Chicago Area

come to the block. The ripping down of
nes for the Skyway... And the first Negro
families moving in."

met Park or Trumbull Homes, there is
hatred and trouble. Young boys are
killed, one by a hammer, one by a shot-
gun, because they happen to be Negro
and standing alone on street corners.

Slow Moving Officials

Public officials in this town move
slowly on making changes. Take base-
ment apartments. The block people
notified the Building Department about
one once (occupied by whites). A bel-
ligerent inspector, openly cursing block
groups, showed up, said sure the base-
ment ceiling height was below mini-
mum, but the apartment had been there
for years, was in decent shape, and he
wasn't going before any judge to get
told to quit harassing people in base-
ment apartments.

There was an apartment in our base-
ment when we bought the house, with
four kids and a collie dog down there.
The family had moved from a made-
over barber shop. Now it's a playroom
for our offspring. But back in the day
when whites, too, faced a housing
shortage that basement was probably
mighty important to the family with
the collie. Don't some Negroes live in
made-over barber shops they would
like to get out of?

Perhaps it will all get solved only
when there is not only a double end
operation, but when the grassy end has
controlled occupancy developments like
Milgrim's Concord Park with its 55-45
ratio, in neat ranch houses. Is this ar-
tificial, unnatural, rotten compromise?
Sounds better than engulfment and
high fences.

Good signs? Sure there are some. The
large Lake Meadows project at 35th
and South Park, being built for the last
five years on land cleared in the ghetto
midst, with new shopping center, acres
of green space, tall handsome privately
developed apartments—the first three
buildings less than 10 per cent white
occupied, more recent buildings 30 per
cent, and even better balance predict-
ed. But doesn't this take good housing
from those who need it most?

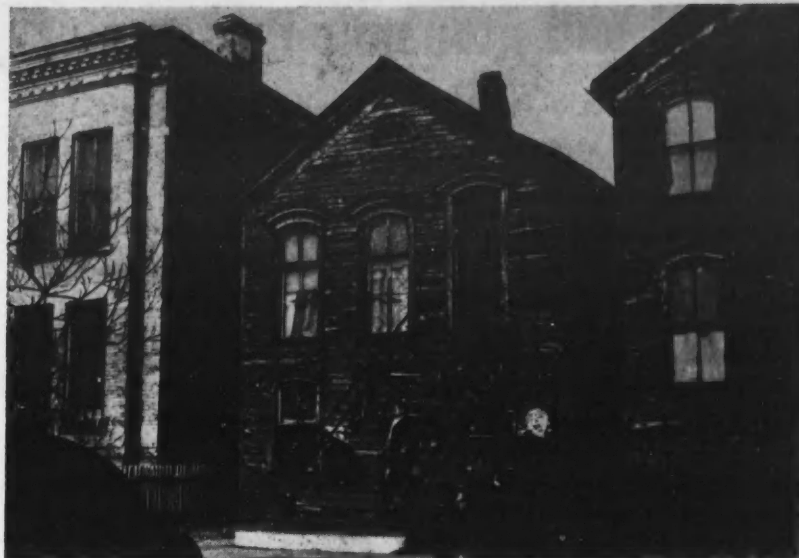
Hyde Park-Kenwood

Between this block and Lake Mead-
ows there battles Hyde Park-Kenwood,
the one neighborhood in the city which
has absorbed Negroes without total
flight, and which is moving ahead with
urban renewal, building a neighborhood
so attractive that integration can hard-
ly fail. But Hyde Park-Kenwood bat-
tles with little understanding from the
rest of the city.

The bulldozer quits, coffee break
probably. When they are done and the
concrete is laid and the ribbons cut

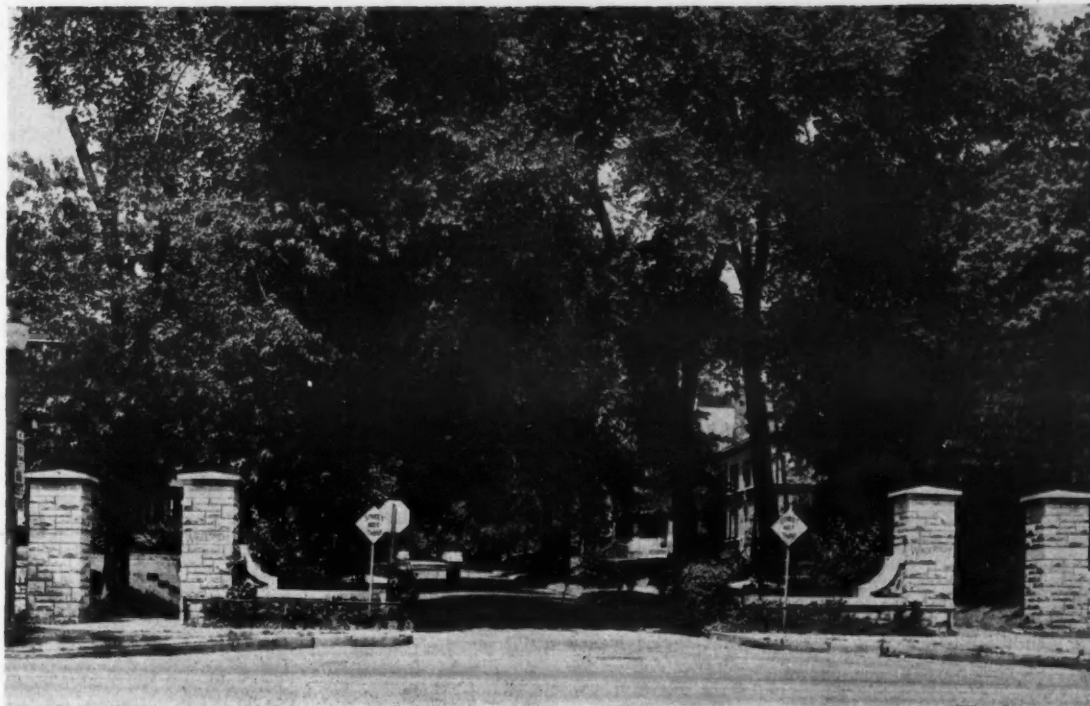
and the big trucks flow, will silence be
gone from this block forever? These
wide, everything-out-of-the-way ex-
press roads will criss-cross this city, and
every city, with 33 billion in federal
funds already assigned to the task.
Maybe the frustration of traffic snarls
will be gone, but what happens to the
blocks, the neighborhoods? Is some-
body thinking about this, planning for
it?

My future lies with eight small chil-
dren asleep in adjoining bedrooms. The
changes have been a bright, stimulating
experience — watching houses being
stripped of roof, walls, then smashed
into rubble, seeing the swift construc-
tion of the steel and concrete Skyway
with a wonderful array of dumpers,
pushers, cranes, and readimix trucks.
Meeting Negro classmates first, then
Negro playmates on the block, puzzling
over the remarks of children of the
fleeing families, endless questions at
the dinner table: the cause of dark
skins; the "Niggers Stay Out" scrawls
in yellow paint at the entrance to the
park. The burned out building on Drex-
el. Watching over the back fence on a
lazy, sunny Saturday afternoon while
some of the new neighbors play calypso
records and dance gracefully on their



"... The ghetto blocks in this town getting more congested,
more uncomfortable ..."

"... the whites running faster and farther — the fences going up higher ..."



grass. Accepting new things easily, as
children can. (Sometimes the records
go far into the night and parents don't
accept them so easily.)

Where does it lead? Three, maybe
four years and there could be only a
handful of whites for blocks around,
with a teeming population surrounding
us. Is such a neighborhood a great deal

more normal, natural and healthy than
an all-white area of pride and preju-
dice?

Two aspirins began to shut off the
tooth, the bulldozer still quiet, the
smell blowing away, a little more sleep
before plunging into the turmoil out-
side the window.

—James V. Cunningham

COMMUNITY

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'Rights' and Economic Pressure *The South*

"How well does a Northerner understand the desegregation struggle in the South? "Not well," say many Negro and White Southerners."

VOTING RIGHTS AND ECONOMIC PRESSURE: Tuskegee, Alabama, by Lewis Jones and Stanley Smith. 46 pp. 50 cents.

HOW WELL does a Northerner understand the desegregation struggle in the South? "Not well," say many Negro and white Southerners. Yet one wonders how well even the Southerners understand the struggle. And, beyond the question of who understands, what difference does it really make?

These questions were raised in my mind by six "Field Reports on Desegregation in the South" published by the Anti-Defamation League of B'nai Brith. Each report carefully and objectively chronicles the circumstances, setting and dynamics of a "desegregation crisis" in a different Southern city. Included are studies of Mansfield, Texas; Clinton, Tennessee; Sturgis, Kentucky; Beaumont, Texas; Tallahassee, Florida, and Tuskegee, Alabama.

Although all of the reports are exemplary works of accurate reporting and analysis, the report on the struggle for voting rights in Tuskegee, Alabama is the most extensive, and for me, the most interesting. For it is this report that most strikingly confronts the reader with the potential "fatefulness" of the Southern drama.

Efforts to Vote

Briefly, the Tuskegee report describes the systematic, persistent and frustrating efforts of the Negro residents of Tuskegee to register and vote. As these efforts slowly grew in effectiveness, the white residents became fearful that their position was threatened. The town of Tuskegee was "racially gerrymandered" and proposals to politically abolish the entire county were introduced before the state legislature. In response to this disenfranchisement, the Negro community boycotted the places of business owned by whites. Since 84 per cent of the residents of the county are Negro citizens, the economic effect of the boycott has been great. Nonetheless, the boycott has not yet been effective in gaining the vote and, in fact, a

*I have come to cast
fire upon the earth,
and what will I but
that it be kindled?*

stalemate drags on with almost no evidence of the potential ingredients for resolution.

Presumably the Anti-Defamation League felt that a careful, calm, accurate report on the conflict would increase understanding, and perhaps, add some new ingredient that could lead beyond the stalemate. However, the authors of the report in their "Summary and Conclusions" seem to have precious little to offer in the way of hope for solutions. They note only, in a general statement, that the "failing resources of either group" or "factors not indigenous to Macon County, Alabama" may eventually lead to cooperation, compromise or adjustment.

Perhaps the authors understood, after a careful analysis, that the stalemate was between two groups that understand the situation very clearly. There are many conflicts that are the result

of misunderstandings. In a democracy, we like to think that most conflicts are of this nature, and that the solution lies in gathering the facts and acting after calm deliberation. But there are, unfortunately, many conflicts that are not a result of misunderstanding, lack of facts, or even lack of good will. The Tuskegee crisis appears to be one of these "fateful conflicts," a classic tragedy.

An Endless Stalemate?

The mores of the conflict are dreamlike, reminiscent of tragic Japanese drama. The report tells of feelings of "inevitability," polite sieges, quiet defiance, and unmentioned reprisals. Negroes and whites pleasantly carry on personal relationships and meticulously avoid mentioning a controversy that is slowly strangling the body and spirit of their community. No bombs, mobs, jeers, or open threats in Tuskegee—just "pleasant" personal relations and a seemingly endless stalemate between two groups that understand quite well the issues at stake.

Perhaps a key to this dreamlike quality is the dichotomy within a man when he must live in conflict with his friends. The report clearly demonstrates that race has not been a barrier to personal friendships among Negroes and whites in Tuskegee. And as the crisis continues, the personal contacts that build those friendships continue. As friends, it is almost as though the individuals cannot bear the conflict face to face. Therefore, the group becomes the *modus vivendi* for conflict. And yet, could it be that the only real hope for an end to the stalemate is the frank recognition between two individuals that theirs is a mutual yet individual conflict for which, in the eyes of God, they are individually responsible?

Creative Conflict

Professor Dan Dodson of New York University has spoken often of the "creative uses of conflict." Surely, there can be no significant social change without conflict. And yet the Tuskegee style of conflict seems peculiarly unamenable to creativity. It may be that conflict must be individualized before those human factors leading to adjustment and compromise can come into creative play.

Rather than creativity, the Tuskegee conflict has been characterized by increasing group unity and inflexibility. The fact that the goals of the Negro people are right and the goals of the white people are wrong is, at this time, of little value in terms of resolution. The mode of conflict has led to that time of "quiet desperation" when frustration may lead to bitterness and the original causes of the conflict may even be forgotten. The South has lived with much bitterness—bitterness that has been resilient, long-lived, and even institutionalized.

It is therefore imperative that Tuskegee's people soon find an honorable way out. If they do not, the dead hand of the Southern past may write its own resolution—the Tuskegee community a ghost town, the Tuskegee Institute a dead institution with empty classrooms and desolate halls.

—John McKnight

'COMMUNITY' Writer Ordained *Miss*

REV. JAMES P. (Jim) Counahan, O.P., former staff writer for **COMMUNITY** and Visiting Volunteer at Friendship House, was ordained to the priesthood January 31, at St. Raphael's Cathedral in Dubuque, Iowa.

Father Counahan, a member of the Dominican Order's midwestern province of St. Albert the Great, celebrated his first solemn Mass Sunday, February 8, at 11:00 a.m. in St. John the Baptist Church, Newark, Delaware.

The sermon at the Mass was preached by the Rev. Gilbert V. Hartke, O.P., head of the speech and drama department at the Catholic University of America, Washington, D.C.

A native of Pittsburgh, Father Counahan was born on September 14, 1925, and spent most of his early years in Newark, Delaware. After graduation from high school there in 1943 he curtailed his formal education to serve full time in the United States Naval Reserve, and saw active duty as an Aviation Electronics Technician's Mate First Class on the island of Maui in the Hawaiians and at Kizarazu Naval Air Base in Japan.

With his honorable discharge in the spring of 1946, he returned to school. He matriculated as a freshman at the University of Delaware, and after a year there transferred to the Catholic University of America in Washington. Taking the Bachelor of Arts with a major in philosophy, he was graduated Phi Beta Kappa *cum laude* in 1950. While an undergraduate Father Counahan was a member of the Albertus Magnus Society for the discussion of current philosophical problems.

He returned to the Catholic University in 1952 for graduate work in the School of Philosophy, and took his Master of Arts degree in 1953 under the direction of the noted Rev. Charles A. Hart.

During his time at the University Father Counahan worked extensively in the lay apostolate, and was especially active in the fight against racial intolerance. The summer of 1949 and the whole of 1951 found him at St. Peter Claver Center (then the Catholic Interracial Friendship House) in Washing-



Rev. James P. Counahan, O.P.

ton, working as a Visiting Volunteer in various capacities.

In 1952 he was requested to work on the staff of **COMMUNITY** and came to Friendship House, again as a Visiting Volunteer. In the summer of the same year he returned east to serve at the Chrystie Street House of the Catholic Worker.

In the fall of 1953 Father Counahan entered the novitiate of the Dominican Order of St. Peter Martyr Priory, Winona, Minnesota, and made profession of vows there the following fall. He continued work in philosophy under the Pontifical Faculty at the Dominican House of Studies, River Forest, Illinois, and in 1955 was assigned to St. Rose Priory, Dubuque, Iowa, for his course of theology.

At present Father Counahan is working on a doctorate in philosophy from the Pontifical Faculty in River Forest and is completing his theological studies.

Father Counahan is the second Friendship House worker to be ordained a Dominican in two years. The first, Rev. Peter Paul Schillaci, O.P., was elevated to the priesthood last May.

Archbishop Speaks:

Discrimination "Unjustifiable" *The South*



Archbishop Joseph F. Rummel

LOUISIANA. Racial discrimination is an "unjustifiable violation of Christian and American standards." This was brought out by Archbishop Joseph Francis Rummel in a recent pastoral letter read in all Catholic churches of the Archdiocese of New Orleans.

"We are still convinced that enforced

racial discrimination inflicts incalculable mental and emotional cruelty and pain, physical and social privation, educational and economic restrictions upon 16 millions of our fellow citizens, and that these discriminations are unjustifiable violations of the Christian way of life and the principles of our American heritage."

The Archbishop went on to say, "Daily we are reminded that the racial controversy is growing in intensity and bitterness. It would indeed be a calamity to our nation were we to become permanently divided and distressed over an issue which involves basic human rights, moral responsibilities, religious principles and the solid foundations upon which our democratic way of life was conceived and developed. . . . We are still convinced that the consistency of the Christian faith and conformity with the Christian way of life demand our repudiation of racism in all its obnoxious forms. . . . We are still convinced that the love of neighbor is the test and yardstick of our love of God, weighed in the balance of sincerity, helpfulness and absence of compulsory discrimination. . . ."

COMMUNITY



"Well no, Bootsie, I ain't sayin' you're lyin'. But how did you just find out you was really a Egyptian?"



"I'm durned sure gonna contact the NAACP if we git out'a this, Bootsie. I know the white folks has engineered this whole thing!"



"Goodness, gracious, Baby Doll, how did I know it would be like this? I just told the real estate man to rent us a place fer the Labor Day week-end, where we wouldn't have to worry about no race problems!"

BOOTSIE And OTHERS

BOOTSIE AND OTHERS, by Ollie Harrington. Introduction by Langston Hughes. Dodd, Mead and Company.

"BOOTSIE" is a well known cartoon character, created by Ollie Harrington, who has appeared for 20 years now in the *Pittsburgh Courier*, America's largest Negro daily. "Laughin' to keep from cryin'" is an apt term for the tragic-comic situations of Bootsie as he makes his way through life in

this United States of America.

Harrington touches on some delicate areas in Negro life. Over-zealous fighters for equal justice might find situations depicted here that they would prefer to pretend did not exist. This book is a good test for our sense of humor. Perhaps some of us have been laboring too long and too mightily for better race relations, and should laugh a little, or a lot, along with "Bootsie."

—Beth Biro

LINES FROM THE SOUTH

Been in that Church?

TWELVE HUNDRED odd miles back to Arkansas, 1200 miles return to the University of North Carolina to finish the degree, 1200 miles back to Arkansas to close home and collect children, and 1200 miles return to North Carolina to work—I had gone to a great many places four times and was content to remain parked in Raleigh for the time being, attending Mass every morning at the Cathedral, participating in a whole Lent-full of services and devotions and a complete Holy Week in the spare time from work in the office of the North Carolina Catholic Laymen's Association.

You Are Welcome

Coming out of Mass I would see the "white" and "colored" people gathered briefly at the bus stop in front of the Cathedral to wait for their "separate but equal" places at opposite ends of the bus. One day a dark face kept glancing furtively at the gray stone structure behind her.

"That is the Catholic Church," I commented.

"Yes'm," she answered and drew a little closer.

"Have you ever been inside?" I asked.

"No'm—No MAM!" she continued uneasily.

"You are welcome, you know," I remarked casually.

"That's what I heard," she said with relief and interest. "One of my neighbor's been sending her girl to the Catholic School at St. Monica's."

The bus drew up. The dark woman looked lingeringly at the gray stone Cathedral before making her way to the back of the bus. Whether she would ever find time or opportunity to go inside that structure, the knowledge that she COULD go there if she wanted to seemed to enhance her as a person. The droop in her shoulders disappeared. The posture of a "biggety nigger" did NOT appear. But the posture of a re-

sponsible citizen on her way to contribute her share of the tasks of the day DID appear.

University Concert

Apparently no "separate but equal" seating arrangements were made in the downtown auditorium when the Xavier University Concert Choir came to Raleigh at the invitation of Bishop Waters and under the sponsorship of the Laymen's Association. Four very grim-looking troopers bristling guns at their hips stalked the corridors en masse as the people gathered by two's, three's and scores, scanned programs eagerly for familiar numbers and gave little gasps of delight at what they saw, tapping their programs enthusiastically. Completely oblivious of the anxious quartette of fear and suspicion pacing in their midst, they went where they wanted to and sat down, apparently as unconcerned about the colors of the people sitting near them as they were about the police.

Bach's Cantata No. 4, dealing with the death and resurrection of Our Lord was itself a resurrection of living music, a positive apostolate of song preaching unto the uttermost parts of the auditorium. No one seemed to squirm or "endure" Bach reentered by the Xavier Choir, not even the bus-loads of children that had been brought in to the Concert from the hinterlands.

Selections from Johannes Brahms and Jerome Kern followed. The audience vigorously applauded their way through familiar selections rendered with new excellence and added significance. Easter Anthems came next and gripped the audience with their message as well as their music.

Spirituals came last. It was not always possible for the people in the audience to remain in their seats as Joshua fit a terrific battle of Jericho, but everybody became still, very still when confronted by "Were You There When They Crucified My Lord?"



"... and havin' courageously held your position in the face of a suicidal charge by several frenzied niggra children tryin' to enter the General Lee Elementary School, our great governor bestows Dixie's noblest medal for gallantry in action!"

Nearer the Crucifixion

Theologians can spend centuries splitting commas, prefixes and semi-colons to get the Crucifixion nailed verbally into exact language. Poets wrench their hearts to catch the stark beauty of the situation in cadence. Artists will split pigments for months trying to trap the exact coloring of its lights and shadows. Chisel of sculptor will move ever so precisely to reproduce droop of exhausted Chin and tear of nail through Flesh. Dealers in religious goods will collect and display as many reminders of that awful Day as possible. But the Xavier Choir simply took us THERE when they crucified OUR Lord—THERE when they laid Him in the tomb...

Theology would make a little more sense now. The poems would wrench at our hearts too. We would see meaning in the lights and shadows of the artist. We would drop to our knees at the significance of the droop of that Chin, the tear in that Flesh. We would make wiser selections of religious goods.

Then the Choir broke into the concluding "Great Gitting Up Morning." The listeners became a great gitting up audience, impelled to participate in the joyous outburst. Applause surged in

great waves of sound, a symphony of enthusiasm in itself. People smiled and rubbed their sore hands as "white" and "colored" flowed easily through all the exits, lingering here and there for a bit of chatter. The four patrolmen no longer stalked grimly but skulked somewhat sheepishly, apparently gratified that they were still being ignored, anxious to get back to the roads of the state where there was a year round open season on motorists with more than a 55-miles-an-hour pressure on the gas feed—hundreds and hundreds of miles of smooth paved roads.

Darkness and Light

North Carolina stretches out 400 miles long and 150 miles wide—as the crow flies, not as the roads go. Early settlers built their roads so that all horse and buggies and mule wagons could get to the centrally located county seats and wind by as many farms on the way there as possible. Four holy, healthy and zealous priests for each of the 100 counties, equipped with a string of good horses for each priest, and six strong monasteries strategically located—all before the Revolutionary War—could

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"Courts"

(continued from page 1)

collecting small monthly payments from the home buyer to build up the funds which will be used in the event of a buyer's default. In the case of the Veterans' Administration, the insurance premiums are paid by the government as a form of bonus to veterans. In both cases the insurance given to the lender acts to encourage his giving loans to purchasers who might not ordinarily meet his standards. At the same time, of course, these insurance plans work to the benefit of the housing industry by making possible an increased volume of construction, lending and sales.

F.H.A. Discriminated

At one time the F.H.A. actively discriminated by conforming to the old code of the real estate boards. That code held it unethical to introduce racial minority groups into white communities. Neighborhood homogeneity was held sacred and the F.H.A. would not guarantee loans which would serve to introduce minority group members in previously white communities. Subsequent to the Supreme Court's refusal to enforce restrictive covenants, the F.H.A. dropped this policy. Consequently, the F.H.A. itself no longer discriminates. However, builders, lenders, and real estate men continued to do so. The question of application of the Fifth and Fourteenth Amendments to F.H.A. and Veterans' Administration guaranteed housing then resolves itself to whether or not private institutions which, in effect, control access to the government agency are to be subject to the same requirement as is a government agency. The situation is very similar to that found where governmental agencies require private contractor's selling to the government to maintain a non-discriminatory hiring policy.

Judge Oakley, in California, concluded that the non-discriminatory requirements applicable to the government must also be imposed upon those private people in a position to control access to the benefit of government. Judge Oakley interpreted the purpose of the federal legislation creating the F.H.A. to be to make housing "more readily available to all citizens who can meet minimum requirements of financial responsibility." Private individuals, says Judge Oakley, cannot interfere with the efforts of other private individuals to obtain services which, by right, must be available to all. He considers, however, that there is a conflict of rights at issue. The seller has freedom to contract and that right is in conflict with the right of minority group members not to be discriminated against where governmental help is concerned. He says, however, that there is no legal

restriction on a person's right to discriminate in making a contract where governmental help is not involved.

Required Conditions

The judge, however, does not suggest that the builder's freedom to contract includes his decision to contract with the F.H.A. for mortgage guarantees. This point seems worth making. Implicit in any contract with the government is that the government's responsibilities cannot include violation of the requirements of the Constitution. By applying for F.H.A. guarantees the builder agrees to submit to a variety of specific requirements concerning the way in which the house is constructed. In addition to those requirements, the California decision contends, must be added non-discrimination in sales.

The court states, further, that the fact that there are tract developments available to Negroes along with those available to whites, does not indicate that governmental services are, therefore, being made equally available. Judge Oakley contends the Supreme Court's rejection of separate but equal applies to the question of the government's aiding segregated housing developments. He also rejects the defendant's contention that the refusal of Congress to attach a non-discrimination clause to F.H.A. legislation indicates the intent of the law not to inhibit the discriminatory practices of the real estate industry. Congress, he says, could not make a law violating the Constitution, one which included a clause approving discrimination, and need not make one which simply restates a commonly understood Constitutional right. The court is not at liberty to assume that the framers of Federal Housing legislation intended to violate the Constitution.

Judge Oakley's argument parallels one approach to the human relations field. This approach has two salient characteristics. The first of these is that it intends to improve the lot of minority group members, solely for the sake of minority group members. Secondly, it achieves these purposes by stating that it is the right of minority group members to obtain this improvement. Those rights derive from the Constitution.

Two Great Strengths

This position has at least two great strengths. The first of these is that it has a strong basis in constitutional law. The second is that these principles are part of the structure of the American public conscience. The denial of constitutional rights creates, at least to a degree, a pang of public conscience. That pang of public conscience can be intensified by the dramatic presentation of the disadvantage suffered by minor-

ity groups through refusal to grant constitutional rights. Such tactics can often organize public opinion to demand such rights as have been denied.

The weakness in this position is that for most people the call of conscience is in vain when its dictates seem to threaten purse or family safety. What might be called a law of diminishing returns (that public clamor for civil rights is in inverse proportion to how closely their realization appears to come to affecting the life of the individual) may operate to promote *de facto* discrimination or segregation—segregation or discrimination which does not require the use of government for enforcement. As Judge Oakley said, the court has no right to interfere with the freedom to contract as long as such contract does not involve the government in organized support of segregation or discrimination. Such a pattern of private discrimination is evident in almost every large northern city as far as housing is concerned. Certain areas are available for Negro occupancy and others for white. The government is, in no way, involved in this process and, as a civil rights issue, can do nothing to prevent it.

The second approach is exemplified in the New York decision. There Judge Eager upheld the constitutionality of a New York State law which outlaws discrimination in the sale or rental of units financed with F.H.A. or Veterans' Administration guaranteed loans. In his entire decision he does not mention that access to F.H.A. and Veterans' Administration funds is a right to every citizen guaranteed by the Fifth and Fourteenth Amendments. Though this position does seem legally justifiable, the New York law is based upon the police power of the state. The court sees no collision of rights—the right of contract vs. the right not to be discriminated against—but rather a conflict between the right of free contract and the inherent power of the state "to regulate the use and enjoyment of private property in the interest of public welfare." And, "the power of the state, when reasonably exercised, is supreme."

Question of Wisdom

The question at issue here then, is whether or not the power of the state was reasonably exercised. The court cites precedents which indicate that legislation directed against acts of racial or religious discrimination are presumed constitutional in New York unless they are clearly arbitrary. The court then does not question the wisdom of a law, which is a legislative problem, but only whether or not it is arbitrary. The question of wisdom is the discretionary power of the state alluded to above. The state, says the

court, has the right to act or not to act in the matter of discrimination.

The defendant contended that the extension of a requirement of non-discrimination to publicly aided housing only was in itself an act of discrimination in violation of the principle of equal applicability of the law. This problem would have been largely avoided had the New York court taken the approach of the California court. By Judge Oakley's analysis F.H.A. and Veterans' Administration financed housing was the only type in which government could interfere. By rejecting the civil rights approach in favor of the public welfare approach, Judge Eager lost this basis for classification of types of housing.

Judge Eager's contention that the New York law is still non-discriminatory seems the weakest part of his opinion. He justifies the classification on the ground that anti-discriminatory and civil rights legislation has been a step-by-step proposition. It is not unreasonable to proceed from government owned housing to government aided housing, and, by extension, to private housing in the extension of minority group rights. Eager contends that the public welfare is secured by such a logical process.

Time Lag

This argument seems weak in the view of the experience of people in the race relations field. Where institutional policy changes from discrimination to non-discrimination have been made without time lag for preparation, integration has often been achieved with much less difficulty than in situations where attempts have been made to encourage gradual change. The time lag is more likely to permit the solidification of opposition than to encourage growing acceptance. However, the wisdom of such a decision was, as Justice Eager stated, a legislative problem.

Justice Eager's approach also has its analogue in the race relations field. The characteristics of this approach would consist in seeking to improve the lot of minority group members for the benefit of the entire community. The arguments which are used to seek this goal include that the denial of equal opportunity to one group hurts everybody. Therefore, it is within the power of the state to intervene beyond the strict limitations of civil rights in order to achieve the total welfare of the community.

The weakness of this position, as far as the enactment of laws is concerned, is that there is no clear cut mandate for a specific law. Its strength is that it permits seeking legislation which can more adequately deal with *de facto* discrimination. It has a further strength in that its characteristic approach is to the self interest of the majority community. Instead of directing its public education campaigns at increasing awareness of how minority groups suffer, it directs itself to educating the majority community to think through its self interest to see how everybody suffers.

Both these approaches have validity in relation to different problems and in different parts of the country. With Justice Eager one must recognize that the historical process goes from civil rights to public welfare. Judge Oakley went as far as he could without welfare legislation.

I would add one warning. Probably the most disastrous error in human relations is to confuse their two approaches; to attempt to obtain welfare oriented legislation with civil rights argumentation. Civil rights argumentation can obtain a civil rights decision, such as Judge Oakley's. It will not be very helpful in the next stage. Here argumentation should be largely in terms of self interest and how to secure that self interest through welfare legislation directed at non-discrimination.

—Dorothy Abernethy

—Warren W. Lehman

Lines from the South:

(continued from page 7)

have changed the course of history in the south. Without access to the whole Faith and without a chance to participate fully in the Church Our Lord established Himself, people growing up in North Carolina had to make churches for themselves, for men MUST express themselves corporately in some relation to God. (Not even an atheistic stand can be made unless it is made with respect to God whom it tries to deny, but can only succeed in making a picture of God like the negative of a camera, leaving darkness where there should be light and playing up what is dark as light.)

Men meet with many obstacles when they attempt to read the King James version of the Bible for themselves, decide what religion ought to be, proceed to tell God how they intend to practice it and make their children and as many neighbors as possible conform to their ideas. Men do not live long enough to find out much more than how to disagree with each other. Also, in such a system, children and neighbors can read the King James version for them-

selves, too, and it becomes necessary for parents to build up a position of power before they can bequeath their beliefs and culture to their own children or high pressure them into obedience. Parents NEED to cultivate and maintain some "inferior" people that they can always seem obviously "better than," at whatever level of effort they are willing to put forth. Then parents can "high pressure" their children into social conformity at least while other people are looking. "Get your ears all the way clean. Do you want to turn to a nigger?" "You don't want to wear a dress like that—it looks common." (Like white trash.) "What else can you expect of people like that?" if they get into trouble, or "They do exceptionally well, considering who they are," if they make good.

Caste System

These fig-leaf aprons which stand between Southerners and their personal inadequacies are marvelously wrought of a "caste" system of "whites," protected and re-inforced by a caste system of "colored" which they keep in the foreground especially in the spots

where their culture "shows." By keeping segregation customs and practices under control and in the limelight they hide their inadequacies successfully even from themselves and keep their power—as long as they stay under their aprons. In this system everybody can hold his head and the heads of his children up as being "required" to be "better than" some definite people. The lowest of the "white trash" was still WHITE. The lowest of the "colored" was still NOT a Catholic. When this system is "threatened," it seems to many that the props might be removed from society and human relations degenerate to a chaotic mess.

I saw what was reported to be a Catholic one time when I was growing up in North Carolina. There didn't seem to be anything wrong with him so we were sure somebody had told a dirty lie about the man. Now, back in North Carolina, Catholics seemed to be popping up in many places. Some of them were obviously very fine people and some non-Catholics were already trying to arrange them into a third caste system. . . .